

FILED**United States District Court**

APR 10 2007

MIDDLE

DISTRICT OF

ALABAMA

CLERK

U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.**UNITED STATES OF AMERICA****CRIMINAL COMPLAINT**

v.

CASE NUMBER: 2:07mj39-TFM

NORMAN EVANS MCELROY, JR.

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From on or July 21, 2004 until on or about March 29, 2007, the exact dates being unknown, in Elmore county, in the Middle District of Alabama and elsewhere defendant(s) did, (Track Statutory Language of Offense):

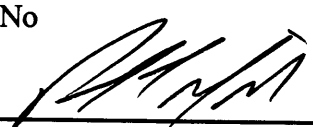
1. knowingly possessed any book, magazine, periodical, film, videotape, computer disk, and any other material that contains an image of child pornography that had been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer in violation of **Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2)**.
2. knowingly received and distributed any child pornography that has been mailed, and shipped and transported in interstate and foreign commerce by any means, including by computer in violation of **Title 18, United States Code, Sections 2252A(a)(2)(A) and (b)(1)**.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


 Signature of Complainant

Sworn to before me and subscribed in my presence,

April 10, 2007

Date

at Montgomery, Alabama

City and State

Terry F. Moorer, U.S. Magistrate Judge

Name and Title of Judicial Officer


 Signature of Judicial Officer

COMPLAINT AFFIDAVIT

I, Paul T. Miller, being duly sworn, depose and state the following:

I am a Special Agent of the Federal Bureau of Investigation (FBI) assigned to the Montgomery Resident Agency of the Mobile Division of the FBI. I have been employed by the FBI for 12 months. Prior to my employment with the FBI, I was employed by the Escambia County Sheriff's Office in Pensacola, Florida, the City Police of Gulf Breeze, Florida, and the U.S. Army Military Police. During the 6 years of my law enforcement career, I have received training in the investigation of Computer Crimes and have personally participated as a primary case agent during the investigation of Child Pornography cases. I hold a Bachelors Degree in Computer Science/Computer Information Systems and an additional Bachelors Degree in Information Technology/Computer Technology.

This affidavit is made in support of a complaint against NORMAN EVANS MCELROY JR. for an alleged violations of Title 18, United States Code, Sections 2252A, Possession and Receipt or Distribution of Child Pornography. The facts and information contained in this affidavit are based on my personal knowledge and observations, as well as upon information received from other individuals, to include other law enforcement officers involved in this investigation and review of records, documents and other physical items obtained during this investigation.

On 07/21/2004, information was reported to the National Center for Missing and Exploited Children (NCMEC) Cybertip line by Yahoo stating norman_mcelroy@yahoo.com posted Child Pornography

1 images from Internet Protocol (IP) address 12.91.232.35 to a web
2 page located at <http://groups.yahoo.com/group/shullylsurplus>.
3 Yahoo provided 9 associated Child Pornography images with the
4 Cybertip report.

5 On 08/11/2004, an Administrative subpoena was served to
6 Yahoo requesting subscriber information for the shullylsurplus
7 group. Yahoo provided the following information:

8	Group Name:	shullylsurplus
9	Description:	"girls must be younger than 15,
10		clothes or not but as little
11		clothing as possible. you must
12		send in three pics to get in. or
13		two good vids nothing copied from
14		pay sites. how that be. pic & vids
15		must be original. email 13 pics to
16		littlegrrlluvr-17@yahoo.com"
17	Moderator:	norman_mcelroy@yahoo.com

18 On 08/11/2004, an Administrative subpoena was served to
19 Yahoo requesting subscriber information for
20 norman_mcelroy@yahoo.com. Yahoo provided the following
21 information:

22	Login Name:	norman_mcelroy
23	Email:	bomcelroy1966@aol.com
24	IP Address:	12.91.232.35
25	Access Date:	09/08/2002
26	Access Time:	16:53:54
27	Time Zone:	Pacific

28 On 01/26/2005, an Administrative subpoena was served to

1 AT&T WorldNet Services requesting subscriber information for IP
2 address 12.91.232.35 used on 09/08/2002 at 16:53:54 Pacific Time.

3 AT&T WorldNet Services provided the following information:

4 Name: Norman McElroy
5 Address: 1394 Cubs Place
6 Prattville, AL 36067
7 Telephone: 334/358-6046
8 Email: norman.mcelroy@worldnet.att.net

9 On September 15th, 2006, in response to an
10 Administrative Subpoena, Yahoo advised your affiant that Yahoo user
11 name bo_mcelroy@yahoo.com is subscribed to by NORMAN EVANS MCELROY
12 of 346 Renee Way, Elmore, Alabama, who accessed the Yahoo account
13 from IP address 68.207.164.218 on September 11, 2006 and IP address
14 71.12.207.122 on September 3rd, 2006.

15 A cross reference with public databases, as well as the
16 Alabama Law Enforcement Tactical System (LETS) revealed that NORMAN
17 EVANS MCELROY of 346 Renee Way was the same individual who had
18 previously resided at 1394 Cubs Place.

19 On October 18, 2006, in response to an Administrative
20 Subpoena, Charter Communications advised your affiant that on
21 September 3rd, 2006, IP address 71.12.207.122 was assigned to
22 subscriber MELANIE OSBORN, 143 Thames Drive, Prattville, Alabama.

23 On October 25, 2006, in response to an Administrative
24 Subpoena, Bright House Networks advised your affiant that on
25 September 11, 2006, IP address 68.207.164.218 was assigned to
26 subscribers ERICA and CURT CAMPBELL, 346 Renee Way, Elmore,
27 Alabama.

28 On March 29, 2007, MELANIE OSBORN, 143 Thames Drive,

1 Prattville, Alabama, was interviewed where she advised that MCELROY
2 was her ex-boyfriend and that he had access to her computer up
3 until approximately December of 2006. OSBORN consented to a search
4 of her computer which yielded multiple Child Pornography images of
5 young nude girls, who appeared to be under the age of 12. OSBORN
6 voluntarily allowed the affiant to take the computer in order to
7 conduct an offsite analysis of the contents of the hard drive.

8 On March 30, 2007, ERICA and CURT CAMPBELL, 346 Renee
9 Way, Elmore, Alabama, were interviewed and stated that MCELROY had
10 previously resided with them. They further advised that MCELROY
11 accessed the Internet from their residence from his own computer
12 and MCELROY maintained possession of his computer when he moved
13 out.

14 On March 30, 2007, MCELROY was interviewed at his
15 residence address, 1828 Rifle Range Road, Wetumpka, Alabama.
16 MCELROY acknowledged at the time of the interview, that his
17 computer was currently at his residence address and that Child
18 Pornography images were being stored on it. MCELROY acknowledged
19 that he had last viewed those images on March 29th, 2007. A
20 preliminary search of MCELROY's computer revealed the existence of
21 images of young nude girls, who appeared to be under the age of 12.
22 MCELROY also stated that he previously stored Child Pornography on
23 the computer of his ex-girlfriend, MELANIE OSBORN, through Limewire
24 file sharing.

25 When presented with redacted versions of Child
26 Pornography images originally obtained from the Yahoo complaint to
27 NCMEC, MCELROY acknowledge that he was a member of the Yahoo user
28 group which shared the Child Pornography images online. He

1 identified several of the redacted Child Pornography images shown
2 to him and stated that he remembered posting the items on the Yahoo
3 account.

4 On April 10, 2007, MCELROY was interviewed a second time
5 at the FBI field office, Montgomery Alabama. MCELROY arrived at
6 the FBI office during his lunch hour from work, understanding that
7 he could leave and return to work as he desired. During the
8 interview, MCELROY was reminded several times that he was not under
9 arrest and that he was free to leave.

10 During the interview, MCELROY again admitted and
11 identified the redacted versions of the three images of child
12 pornography that he had uploaded via the internet onto a Yahoo-
13 hosted private group website. MCELROY stated that people who were
14 in the Yahoo private group had access to these images. MCELROY
15 admitted that he had obtained these images he uploaded and others
16 from different child pornography websites on the internet.

17 Later in the interview, MCELROY stated that currently he
18 obtains the majority of his child pornography through a file
19 sharing program, Limewire. MCELROY explained that Limewire permits
20 him to download files from other persons' computers and that others
21 can access files on his computer. When asked how Limewire shares
22 files, MCELROY stated that it was his understanding that once a
23 person loaded Limewire, that person's files would be shared with
24 others on the internet who have loaded Limewire. MCELROY then
25 explained how he obtained child pornography using various searches
26 with the Limewire software.

27 Pursuant to the investigation, it was determined that
28 MCELROY had previously resided with a family who had juvenile

1 children. One of the children, an 11 year old female juvenile,
2 herein referred to as juvenile 1, stated that she had seen MCELROY
3 on several occasions viewing pornography on his computer and it
4 scared her. On one of those occasions, she saw an image of a young
5 naked girl wearing high heeled boots, who was around her own age.
6 The image was on website MCELROY had been viewing.

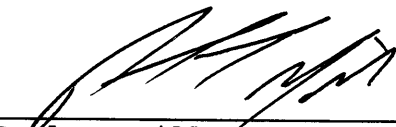
7 Juvenile 1 further stated that she woke up one night
8 approximately one year ago, and found MCELROY sitting at the foot
9 of her bed in his underwear. Juvenile 1 woke up the next morning
10 and her "underwear was up my butt." She further stated, "The next
11 morning, my part down here was hurting, (pointing to her pubic
12 area) and I didn't know why." Juvenile 1 also stated that a female
13 juvenile friend, herein referred to as juvenile 2, stayed the night
14 at her residence while MCELROY was living with her family.
15 Juvenile 2 allegedly told juvenile 1 that she woke up around
16 midnight where she found MCELROY touching her "down there"
17 (pointing to her pubic area).

18 A criminal history check revealed that MCELROY has three
19 outstanding felony warrants from the Kennewick County Sheriff's
20 Office in Washington. Two are for Failure to Appear and one is for
21 noncompliance. The affiant made telephonic contact with the
22 Kennewick County Sheriff's Office, who stated that some of the
23 original charges were related to sexually motivated burglaries.

SUMMARY

Based on the facts as stated above, there is probable cause to believe that NORMAN EVANS MCELROY JR., knowingly received or distributed child pornography that had been transported in interstate commerce by any means, including computer, in violation of Title 18, United States Code, Sections 2252A(a) (2) (A) and (b) (1).

Additionally, based on the facts as stated above, there is probable cause to believe that NORMAN EVANS MCELROY JR., knowingly possessed material that contained child pornography that had been transported in interstate commerce by any means, including computer, in violation of Title 18, United States Code, Sections 2252A(a) (5) (B) and (b) (2).



Paul T. Miller
Special Agent
Federal Bureau of Investigation
Montgomery, Alabama

Subscribed and sworn to before me this 10th day of April,
2007.



U.S. Magistrate